

Health & Safety in Correctional Facilities 2021 Legislative Report



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2021 LEGISLATIVE REPORT ON HEALTH AND SAFETY IN CORRECTIONAL FACILITIES

I. Background

Minnesota Department of Corrections (DOC) runs 11 state prison facilities and licenses all other local correctional facilities run by counties and cities in Minnesota pursuant to [Minn. Stat. § 241.021](#).

In June 2021, the Minnesota Legislature created new reporting requirements pertaining to the health and safety of incarcerated individuals in Minnesota (Laws of Minnesota 2021, 1st Spec. Sess. Chapter 11, article 9, section 11). [Minn. Stat. § 241.021](#) was amended June 30, 2021, requiring the Department of Corrections (DOC) to file a written report with the legislature by February 15 of each year, reporting on the health and safety of individuals confined or incarcerated in state correctional facilities and facilities licensed by the commissioner.

This report will also include information on the commissioner's authority and responsibility to inspect and license local correctional facilities and set minimum standards for those facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons confined or incarcerated therein. The first report will also note the commissioner's implementation of the amended provisions with specificity.

The new reporting requirements established by Minn. Stat. § 241.021, subd. 1f pertain to either state correctional facilities or facilities licensed by the commissioner of corrections, and in some instances, both. As such, this report is broken into three parts: the first presenting data from state correctional facilities; the second presenting data received from licensed facilities; and the third addressing the status of the implementation of the authority provided to the commissioner of corrections by the legislature in Minn. Stat. § 241.021, subd. 1 – 1i.

This reporting of security audit standards for state correctional facilities developed by the state correctional facilities security audit group as required under Minn. Stat. § 241.021, subd. 1h will be reported later in 2022 as approved by the legislature.

The new reporting obligations arose in the middle of a reporting cycle, beginning August 1, 2021 and ending Dec. 31, 2021, capturing data for only half of the reporting period. It is also important to note that in light of the impact the novel coronavirus has had on conditions in correctional facilities around the world, much of the data in this report may not reflect past practices or conditions of confinement in the state of Minnesota prior to 2020.

II. Minnesota State Correctional Facilities

a. In custody deaths

Below is information regarding the number of confined or incarcerated persons who died while committed to the custody of a Minnesota Correctional Facility (MCF), regardless of whether the

death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, including aggregated demographic information, between August 1 and December 31, 2021. For purposes of transparency, there were 14 deaths reported at Minnesota Correctional Facilities between January 1, 2021 and July 31, 2021, but none fell within this limited reporting period. Full calendar year data will be included in future reports

Table 1. In custody deaths - MCF

Facility	<i>deaths</i>	<i>suicides¹</i>
Faribault	0	0
Lino Lakes	0	0
Moose Lake	0	0
Oak Park Heights	0	0
Rush City	0	0
Red Wing	0	0
St. Cloud	0	0
Shakopee	0	0
Stillwater	0	0
Togo	0	0
Willow River	0	0
Total	0	0

b. Policy, practice, or training changes resulting from death reviews

Below is information regarding the aggregated results of the death reviews by state correctional facilities as required by Minn. Stat. § 241.021 subdivision 8, including any implemented policy changes from August 1 through December 31, 2021. Minnesota DOC [Policy 500.200](#), “Health Services Death Review” describes the process DOC follows when a death

¹ This column captures how many of the total deaths were by suicide.

occurs of an incarcerated individual. Any changes to policy, practice, or training as a result of those reviews are reported below.

Table 2. Policy, practice, or training changes – MCF

Facility	Reviews	<i>description of change</i>
Faribault	0	N/A
Lino Lakes	0	N/A
Moose Lake	0	N/A
Oak Park Heights	0	N/A
Rush City	0	N/A
Red Wing	0	N/A
St. Cloud	0	N/A
Shakopee	0	N/A
Stillwater	0	N/A
Togo	0	N/A
Willow River	0	N/A
Total	0	N/A

c. Number of reportable uses of force and whether those uses of force were determined to be justified by the facility

Below is information regarding the number of uses of force by facility staff on persons confined or incarcerated in the correctional facility, including but not limited to whether those uses of force were determined to be justified by the facility from August 1 through December 31, 2021. The commissioner of corrections consulted with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to develop criteria for reporting and define reportable uses of force.

Reportable uses of force are defined as: Any application of physical, manual, or mechanical intervention, techniques or tactics, chemical agents, or weapons to a confined or incarcerated person resulting in substantial bodily harm as defined by Minn. Stat. § [609.02](#) as:

“bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.”

Table 3. Reportable uses of force - MCF

Facility	Reportable Uses of Force	determined to be justified?
Faribault	0	N/A
Lino Lakes	0	N/A
Moose Lake	0	N/A
Oak Park Heights	0	N/A
Rush City	0	N/A
Red Wing	0	N/A
St. Cloud	0	N/A
Shakopee	0	N/A
Stillwater	0	N/A
Togo	0	N/A
Willow River	0	N/A
Total	0	N/A

d. Number of suicide attempts, people transported to a medical facility, and people placed in segregation

Below is information on the number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation from August 1 through December 31, 2021.

Table 4. Suicide attempts, medical facility transports, and people placed in segregation - MCF

Suicide attempts		10
Faribault		1
Lino Lakes		0
Moose Lake		0
Oak Park Heights		1
Rush City		0
Red Wing		0
St. Cloud		0
Shakopee		3
Stillwater		5
Togo		0
Willow River		0
Medical transports		2,601
Faribault		546
Lino Lakes		238
Moose Lake/Willow River ²		208
Oak Park Heights		523
Rush City		261
Red Wing		13
St. Cloud		63
Shakopee		270

² MCF-Willow River medical transports are combined for tracking purposes with MCF-Moose Lake.

Stillwater	479
Togo	<i>See below</i> ³
Restrictive housing^{4 5}	2,632
Faribault	423
Lino Lakes	155
Moose Lake	272
Oak Park Heights	144
Rush City	307
St. Cloud	543
Shakopee	140
Stillwater	648

e. Number of people committed to the commissioner of corrections' custody housed in licensed facilities

Below is information regarding the number of persons committed to the commissioner of corrections' custody that the commissioner is housing in facilities licensed under Minn. Stat. §

³ Due to the way this data had historically been kept and the distinct nature of MCF-Togo's facility, DOC is unable to provide the number of medical transports from MCF-Togo for the time period of August 1 through December 31, 2021. For future reports, DOC will report these transports for all of its facilities.

⁴ The statute is silent on what constitutes segregation. DOC submits a restrictive housing report pursuant to Minn. Stat. § 243.521 on January 15 of each year, reporting administrative and disciplinary segregation, of which the recent report can be found [here](#). A "restrictive housing admission" is an entry into a segregation-unit living assignment during the fiscal year, either as a movement from a non-segregation living assignment, or as the initial living assignment upon new commitment or release violator admission. In the restrictive housing report, an individual may have more than one such admission during the fiscal year. There were 8,284 restrictive housing admissions in FY 2021 as shown in the linked report. For purposes of *this* report, there were 2,632 *people* with restrictive housing admissions between August 1 through December 31, 2021. The same methodology is used in both reports, but with different reporting parameters.

⁵ This table does not include MCF-Red Wing, MCF-Togo, or MCF-Willow River. MCF-Red Wing (adults), MCF-Togo, and MCF-Willow River do not have restrictive housing units, so those residents are transferred to other facilities as needed. MCF-Red Wing juvenile data is not captured in this report, as it relates to different statutory and rule-based obligations and a fundamental difference in approach to working with juveniles.

241.021, subdivision 1, including but not limited to: (i) aggregated demographic data of those individuals; (ii) length of time spent housed in a licensed correctional facility; and (iii) any contracts the Department of Corrections has with correctional facilities to provide housing, from August 1 through December 31, 2021.

Table 5. People housed in licensed facilities⁶ - MCF

Total	9
<i>Gender</i>	
Male	9
Female	0
Non-binary	0
<i>Age</i>	
14-17	0
18-25	0
26-35	5
36-45	2
46-55	1
56-65	1
66+	0
<i>Race</i>	
White	3
Black	3
American Indian/Alaska Nat.	3
Asian or Pacific Islander	0
Other	0
<i>Length of Time HOF</i>	
1-30 days	6
31-90 days	3
91-180 days	0
181-365 days	0
1+ year	0

⁶ The DOC contracts with six facilities – Nobles, Olmsted, Pine, Polk (Tri-County), Washington, and Wright Counties – to house individuals committed to the custody of the commissioner of corrections. Additionally, some non-contract facilities will occasionally house individuals without a contract if the incarcerated person has significant historical ties to the particular county.

f. On-duty staff misconduct complaints, including investigation results

Below is summary data from state correctional facilities regarding complaints involving alleged on-duty staff misconduct, including but not limited to the: (i) total number of misconduct complaints and investigations; (ii) total number of complaints by each category of misconduct, as defined by the commissioner of corrections; (iii) number of allegations dismissed as unfounded; (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated; and (v) number of allegations substantiated, any resulting disciplinary action, and the nature of the discipline from August 1 through December 31, 2021.

Table 6. On-duty staff misconduct complaints - MCF

Total	183
<i>Misconduct category</i>	
Appearance/dress/hygiene	0
Code of conduct	40
Contraband	2
Discrimination/harassment	8
Hours of work/pay	91
Licensure/certification	1
Medical errors	0
Misc. policy violations	3
Reporting/records	4
Safety	1
Security	49
Unsatisfactory work perf.	1
Dismissed as unfounded	0
Dismissed as unsubstantiated	8
<i>Substantiated</i>	
Total	110
Resulted in discipline	57
<i>Nature of Discipline</i>	<i>See below⁷</i>
Oral reprimand	
Written reprimand	
Suspension	
Demotion	

⁷ Due to the way this data had historically been kept, and the manual file review required of each allegation, DOC is only able to provide the categories of discipline at this time. For future reports, DOC will provide the number of each category of discipline issued from substantiated complaints that resulted in discipline.

III. Correctional Facilities Licensed by the Commissioner of Corrections

a. In custody deaths

Below is information regarding the number of confined or incarcerated persons who died while committed to the custody of a licensed facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, including aggregated demographic information and the correctional facilities' most recent inspection reports and any corrective orders or conditional licenses issued, between August 1 and December 31, 2021.

Table 7. In custody deaths – licensed facilities

Variable	<i>deaths</i>	<i>suicides</i>⁸	Death demographic info (gender, race and age group)⁹	Facility most recent inspection report¹⁰
Crow Wing County Jail	1	1	Male, Caucasian, Age 46-55	6/4/2020 Appendix A
Otter Tail County Jail	1	0	Female, Am Indian, Age 26-35	11/15/2019 Appendix B
Pine County Jail	1	0	Male, Caucasian, Age 36-45	4/22/2020 Appendix C
Washington County Jail	1	0	Male, Caucasian, Age 46-55	4/15/2021 Appendix D

b. Policy, practice, or training changes resulting from death reviews

Below is information regarding the aggregated results of the death reviews by licensed facilities as required by Minn. Stat. § 241.021 subdivision 8, including any implemented policy changes from August 1 through December 31, 2021.

Table 8. Policy, practice, or training changes – reported changes from licensed facilities

Facility		<i>description of change</i>
Crow Wing County Jail	0	N/A
Otter Tail County Jail	0	N/A

⁸ This column captures how many of the total deaths were by suicide.

⁹ Age groups for reporting purposes: under 18; 18-20; 21-25; 26-35; 36-45; 46-55; 56-65; Over 65.

¹⁰ These inspection reports are included in Appendix A.

Pine County Jail	0	N/A
Washington Jail	0	N/A
Total	0	N/A

c. Number of reportable uses of force and whether those uses of force were determined to be justified by the facility

Below is information regarding the number of uses of force by facility staff on persons confined or incarcerated in the correctional facility, including but not limited to whether those uses of force were determined to be justified by the facility from August 1 through December 31, 2021. The commissioner of corrections consulted with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to develop criteria for reporting and define reportable uses of force.

Reportable uses of force are defined as: Any application of physical, manual, or mechanical intervention, techniques or tactics, chemical agents, or weapons to a confined or incarcerated person resulting in substantial bodily harm as defined by Minn. Stat. § [609.02](#) as:

“bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.”

Table 9. Reportable uses of force – licensed facilities

Facility		<i>determined to be justified?</i>
Scott County Jail	1	Yes

d. Number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation

Below is information on the number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation from August 1 through December 31, 2021.

Table 10. Suicide attempts, medical facility transports and people placed in segregation – licensed facilities

Suicide attempts	58
Aitkin	0
Anoka	2
Anoka Workhouse	0
Becker	0
Beltrami	1
Benton	1
Bethel Work Release	0
Blue Earth	0
Brown	0
Carlton	0
Carver	0
Cass	0
Chippewa	1
Chisago	1
Clay	1
Clearwater	0
Cook	0
Cottonwood	0
Crow Wing	0
Dakota	2
Douglas	0
Faribault	0
Fillmore	0
Freeborn	0
Goodhue	0
Hennepin Men	2
Hennepin North	0
Hennepin ADC	17
Houston	1
Hubbard	4
Isanti	0
Itasca	0
Jackson	1
Kanabec	0
Kandiyohi	1
Kittson	0
Koochiching	1
Lac Qui Parle	0

Lake	0
Lake of the Woods	0
Le Sueur	0
Lincoln	0
Lyon	0
Marshall	0
Martin	0
McLeod	1
Meeker	0
Mille Lacs	0
Morrison	0
Mower	0
Murray	0
Nicollet	0
Nobles	1
Norman	0
Northeast Regional	0
Northwest Regional	2
Olmsted	1
Otter Tail	1
Pennington	0
Pine	0
Pipestone	0
Ramsey ACF	0
Ramsey ADC	3
Redwood	0
Renville	0
Rice	0
Roseau	0
Scott	2
Sherburne	0
Sibley	0
St. Louis	4
St. Louis - Hibbing	0
St. Louis - Virginia	0
Stearns	1
Steele	0
Swift	0
Todd	0
Traverse	0
Wabasha	1
Wadena	0

Waseca	0
Washington	5
Watsonwan	0
Wilkin	1
Winona	0
Wright	1
Yellow Medicine	0
Medical transports	378
Aitkin	13
Anoka	4
Anoka Workhouse	0
Becker	0
Beltrami	14
Benton	10
Bethel Work Release	0
Blue Earth	0
Brown	1
Carlton	0
Carver	3
Cass	1
Chippewa	1
Chisago	9
Clay	9
Clearwater	0
Cook	0
Cottonwood	0
Crow Wing	26
Dakota	15
Douglas	0
Faribault	0
Fillmore	0
Freeborn	3
Goodhue	3
Hennepin Men	18
Hennepin North	1
Hennepin ADC	57
Houston	3
Hubbard	7
Isanti	3
Itasca	7
Jackson	2

Kanabec	0
Kandiyohi	14
Kittson	0
Koochiching	2
Lac Qui Parle	0
Lake	0
Lake of the Woods	0
Le Sueur	0
Lincoln	0
Lyon	0
Marshall	0
Martin	0
McLeod	3
Meeker	0
Mille Lacs	1
Morrison	8
Mower	0
Murray	0
Nicollet	0
Nobles	6
Norman	0
Northeast Regional	4
Northwest Regional	2
Olmsted	20
Otter Tail	4
Pennington	0
Pine	2
Pipestone	0
Ramsey ACF	23
Ramsey ADC	9
Redwood	3
Renville	2
Rice	1
Roseau	1
Scott	21
Sherburne	1
Sibley	0
St. Louis	20
St. Louis - Hibbing	5
St. Louis - Virginia	7
Stearns	1
Steele	3

Swift	0
Todd	0
Traverse	1
Wabasha	1
Wadena	1
Waseca	1
Washington	12
Watonwan	1
Wilkin	2
Winona	0
Wright	2
Yellow Medicine	1
Restrictive housing¹¹	9,978¹²
Aitkin	Not provided
Anoka	444
Anoka Workhouse	Not provided
Becker	Not provided
Beltrami	60
Benton	369
Bethel Work Release	Not provided
Blue Earth	18
Brown	Not provided
Carlton	Not provided
Carver	23
Cass	11
Chippewa	12
Chisago	Not provided
Clay	92
Clearwater	Not provided
Cook	Not provided
Cottonwood	118
Crow Wing	398

¹¹ The statute is silent on what constitutes segregation. DOC submits a restrictive housing report pursuant to Minn. Stat. § 243.521 on January 15 of each year, reporting administrative and disciplinary segregation. Licensed facilities have been asked to report the same information for consistency. Licensed correctional facilities operate independently and may utilize numerous forms of segregation based on the vulnerability, behavioral watch, protective custody, suicide watch, medical and mental health needs, disciplinary, safety, security, and administrative needs of the population served. Most facilities classify housing as “segregation” when a person is housed outside of the general population. It should be noted that COVID quarantines required many individuals to be housed separately from the general population.

¹² Many licensed facilities did not provide this information as requested by DOC.

Dakota	595
Douglas	626
Faribault	21
Fillmore	Not provided
Freeborn	238
Goodhue	558
Hennepin Men	41
Hennepin North	5
Hennepin ADC	1,298
Houston	232
Hubbard	Not provided
Isanti	12
Itasca	Not provided
Jackson	85
Kanabec	216
Kandiyohi	Not provided
Kittson	Not provided
Koochiching	6
Lac Qui Parle	Not provided
Lake	Not provided
Lake of the Woods	Not provided
Le Sueur	239
Lincoln	Not provided
Lyon	7
Marshall	Not provided
Martin	Not provided
McLeod	82
Meeker	Not provided
Mille Lacs	88
Morrison	3
Mower	Not provided
Murray	0
Nicollet	Not provided
Nobles	387
Norman	Not provided
Northeast Regional	91
Northwest Regional	Not provided
Olmsted	Not provided
Otter Tail	46
Pennington	Not provided
Pine	632
Pipestone	Not provided

Ramsey ACF	80
Ramsey ADC	1,051
Redwood	1
Renville	2
Rice	43
Roseau	Not provided
Scott	1,149
Sherburne	109
Sibley	Not provided
St. Louis	374
St. Louis - Hibbing	8
St. Louis - Virginia	17
Stearns	274
Steele	Not provided
Swift	Not provided
Todd	5
Traverse	Not provided
Wabasha	Not provided
Wadena	Not provided
Waseca	22
Washington	38
Watonwan	17
Wilkin	Not provided
Winona	Not provided
Wright	179
Yellow Medicine	Not provided

IV. Commissioner's Duties under Minn. Stat. § 241.021, subd. 1 – 1i

Almost 50 years ago, the legislature granted the DOC the authority to establish minimum standards in correctional facilities with respect to management, operation, physical condition, security, safety, health, treatment, and discipline.¹³ Two years later, it gave the DOC authority to license correctional facilities in the state, as well as revoke those licenses in the event of noncompliance with minimum standards.¹⁴

In light of legislative changes to its licensing authority, DOC has undertaken many efforts to redefine minimum standards for licensed facilities that comport with current best practices, improve the oversight of correctional facilities and ability to act if standards are not met, increase transparency among and between all correctional facilities in Minnesota, and ensure

¹³ See [1976 c 299 s 1](#).

¹⁴ See [1978 c 778 s 1](#).

accountability on behalf of the DOC in upholding licensing and enforcement obligations required by law when violations of minimum standards occur.

a. Subd. 1 – Licensed facility oversight and minimum standards

Rulemaking related to minimum standards of conditions of confinement for licensed facilities set forth in Chapter 2911 is underway as mandated by the changes in statute.

DOC is required to promulgate rule on the following topics:

1. screening, appraisal, assessment, and treatment for persons confined or incarcerated in correctional facilities with mental illness or substance use disorders;
2. a policy on the involuntary administration of medications;
3. suicide prevention plans and training;
4. verification of medications in a timely manner;
5. well-being checks;
6. discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;
7. a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;
8. use of segregation and mental health checks;
9. critical incident debriefings;
10. clinical management of substance use disorders;
11. a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;
12. a policy regarding the use of telehealth;
13. self-auditing of compliance with minimum standards;
14. information sharing with medical personnel and when medical assessment must be facilitated;
15. a code of conduct policy for facility staff and annual training;
16. a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and
17. dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

DOC has begun the rulemaking revision process, which will include proactive engagement with external and impacted stakeholders to put forth proposed language prior to submitting the rule change for public comment.

DOC has updated its inspection and licensing practices to include:

- Determining compliance with minimum standards established in any related state law (prior to July 1, 2021, DOC only had the authority to inspect and enforce compliance with rule);

- Revised license expiration practices and limited licenses for purposes of facility closures;
- Shortened timeframe for reporting in-custody deaths within 24 hours;
- Reporting obligations for uses of force by correctional facility staff against individuals confined or incarcerated in their facilities; and
- Public posting of facility license status and any related license orders.

DOC is also overhauling its data gathering processes and technological capacity to ensure accuracy and transparency in order to meet legislatively mandated reporting requirements. Much of the data pertaining to licensed facilities contained in this report was gathered by hand. DOC expects that the data required for this report and other data already required in rule or statute will be reported to the DOC quarterly, if not more frequently depending on the law. It is anticipated this process will be completed by July 1, 2022.

b. Subds. 1a – 1e

DOC was provided a new licensing action framework with the amendments the legislature made to Minn. Stat. § 241.021 subds. 1a – 1e. DOC has implemented this framework, now including four codified licensing action options for DOC to take against licensed facilities in the event of certain levels of noncompliance with minimum standards. The four actions include:

- **Correction Order** – issued when a facility does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility
- **Conditional License Order** – issued when a facility does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility. The conditional license order may restrict the use of any facility which does not substantially conform to minimum standards, including imposition of conditions limiting operation of the facility or parts of the facility, reducing facility capacity, limiting intake, limiting length of detention for individuals, or imposing detention limitations based on the needs of the individuals being confined or incarcerated therein.
- **Revocation Order** – issued when, after considering the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons confined or incarcerated in the correctional facility, a facility does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance with minimum standards, and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility

- **Temporary Immediate Suspension Order** – issued when a facility’s failure to comply with applicable minimum standards or the conditions in the correctional facility pose an imminent risk of life-threatening harm or serious physical injury to persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public; or when a facility has received a notice of intent to issue an order of revocation and has one or more subsequent violations of minimum standards which may adversely affect the health or safety of persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public

c. Subds. 1g – 1h

DOC has also convened the state prison security audit standards group to define audit standards for state correctional facilities. The state prison security audit standards group requested and received an extension in developing these important standards. Once those standards are reported to the legislature in July of 2022, DOC will begin using those standards in auditing all 11 of its state prison facilities biennially and will include reporting on that process in its annual performance report to the legislature as required under Minn. Stat. § [241.016, subdivision 1](#). Beginning in 2023, the annual report will contain Security Audit Working Group recommendations and commissioner responses to the biennial audits.